

FILED

OCT 29 2010

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SAMUEL ROBERT CONRAD, III,
Plaintiff,

Civil Action No. 7:10-cv-00440

v.

By: Hon. Jackson L. Kiser
Senior United States District Judge

BETTY AKERS, et al.,
Defendant(s).

ORDER

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the complaint is **DISMISSED without prejudice**; plaintiff's motion to appoint counsel is **DENIED as moot**; and the action is **STRICKEN** from the active docket of the court. Plaintiff may refile the complaint as a new and separate action at the time he can pay the \$350 filing fee or file the necessary documents to proceed in forma pauperis.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 29th day of October, 2010.

[Signature: Jackson L. Kiser]
Senior United States District Judge